DOCUMENT RESUME

ED 460 465 EC 306 748

TITLE Assistive Technology Devices and Services for Students with Special Needs. Technical Assistance Guide.
INSTITUTION Massachusetts State Dept. of Education, Boston.
PUB DATE 1995-12-00
NOTE 8p.
PUB TYPE Guides - Non-Classroom (055)
EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Assistive Devices (for Disabled); *Compliance (Legal); Educational Legislation; *Educational Technology; Elementary Secondary Education; Eligibility; Federal Legislation; Federal Regulation; Financial Support; Guidelines; *Individualized Education Programs; School Districts; *Special Needs Students
IDENTIFIERS Individuals with Disabilities Education Act; Massachusetts; Technology Related Assistance Individ Disabil Act

ABSTRACT

This guide is intended to provide information to Massachusetts school districts and families regarding the availability of, access to, and payment mechanisms for assistive technology devices and services. The first section answers 13 questions concerning topics such as the difference between an assistive technology device and an assistive technology service; responsibilities of the school district in delivery of assistive technology devices and/or services; and responsibility for evaluating a student for an assistive technology device or service. The second section provides guidelines for including assistive technology in the individualized educational plan. Guidelines address student evaluation, responsibilities of the evaluation team, school district funding obligations, and use of insurance for funding assistive technology devices or services. The third section summarizes regulatory requirements under the Technology-Related Assistance for Individuals with Disabilities Act, and Parts B and H of the Individuals with Disabilities Education Act. An appendix lists potential funding sources for assistive technology. (DB)

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ED 460 465

Massachusetts Department of Education

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Assistive Technology Devices and Services for Students with Special Needs

TECHNICAL ASSISTANCE GUIDE

H. RAYNOLDS, JR.

December 1995

Dear Colleague:

This technical assistance guide, ***Assistive Technology Devices and Services for Students with Special Needs*** , provides information to school districts and families regarding the availability, access to, and payment mechanisms for assistive technology devices and services. The appendix is particularly helpful as a resource for funding assistive technology.

The document includes information regarding the use of assistive technology with students who have special needs. Students requiring assistive technology services and devices (as determined by a TEAM through the Individualized Educational Plan process) continue to have protections relative to their use of assistive technology as they would have for any other modification necessary to receive a free and appropriate education. These protections apply to regulatory requirements such as: timelines, binding decisions of the TEAM, and special education appeals.

Across the Commonwealth, high expectations of teachers and students in every classroom are being realized as a result of Education Reform. Assistive technology devices and services enable some students with special needs to reach higher levels of achievement. It is within the context of Education Reform that this information is being presented.

We hope that this information will help promote a learning environment to assist in the achievement of students with special needs.

Sincerely,

Robert V. Antonucci
Commmissioner of Education

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ASSISTIVE TECHNOLOGY QUESTION & ANSWER GUIDE

1. What is the difference between an assistive technology device and an assistive technology service?

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Answer: An assistive technology *device* can be simple or complex. Assistive technology devices include velcro, adaptive clothing and toys, seating systems, powered mobility systems, augmentative communication devices, special switches, and thousands of other commercially available or adaptive items. Common examples of assistive technology devices used in the classroom include: computer hardware, software, and adaptations; augmentative and alternative communication systems; assistive listening systems; and classroom modifications, such as environmental controls and adaptive seating/positioning devices. These equipment solutions can improve a student's ability to learn and interact with teachers, family members, and friends.

Assistive technology *services* are those that ensure appropriate selection, maintenance, customization and repair of equipment; those that provide technical assistance, consumer or caregiver training, and peer counseling; and those that help fund equipment through loan, rental, lease, or purchase.

2. How should assistive technology as recommended by the TEAM be included in the IEP?

Answer: Assistive technology can be included in the IEP in the following ways:

Under the Student Instructional Profile, page 2 of the IEP form if required as part of the student's special education, related services, or supplementary aids and services. Example: student uses specially lined paper when there is written work that is not done on the computer.

As a goal statement when assistive technology is needed to develop technology skills to reach other goals and instruction may be needed. Example: student will learn to use a word processing program with spelling, grammar, and punctuation checklist.

As part of a goal statement when assistive technology is needed to carry out specific goal(s). Example: student will use a cassette recorder to practice her oral language responses.

3. What is the responsibility of the local school district to ensure the delivery of the assistive technology listed on the student's IEP?

Answer: According to the Individuals with Disabilities Education Act (IDEA) and policy directives from the United States Department of Education, it is the responsibility of the local school district to provide all assistive technology written into the IEP. (See Appendix for public agencies that support the purchase or access to assistive technology devices and services.) **4. Who should be on a TEAM when assistive technology devices and services need to be considered?**

Answer: Chapter 766 Regulation [[paragraph]]314.0 states that the "Administrator of Special Education shall ensure that the TEAM includes persons knowledgeable about the child, the meaning of the evaluation data, and the placement options." In addition, "...specialists who are registered, licensed, or otherwise approved by the Commonwealth may be added to the TEAM." This means that if assistive technology devices or services are being considered, someone on the TEAM must be knowledgeable about assistive technology. In some cases, this will require an additional professional participating in TEAM meetings.

5. Who should evaluate a student for an assistive technology device(s) or service(s)?

Answer: According to the IDEA, a student must be evaluated by a qualified professional who is knowledgeable in assistive technology. For example, if the student's speech and hearing are being evaluated, a speech-language pathologist and a pediatric audiologist are considered qualified professionals. Chapter 766 Regulations [[paragraph]]320.2(a) states that "the child shall be assessed in all areas related to the child's suspected need for special education and related services."

6. Must the school district assume financial responsibility for the purchase of assistive technology devices and services if listed in the IEP?

Answer: Yes. The school district must assume financial responsibility for purchase of assistive

technology devices and services unless the cost is covered by third party benefits or insurance coverage and the parents agree to use such coverage to pay the cost, or a donation to the school district is made. A student's parents cannot be required to assume the cost.

7. If a student requires a hearing aid, is the school district required to provide it if the device is listed in the IEP?

Answer: Yes. A hearing aid is considered a covered device under the definition of "assistive technology device." Thus, if a student's IEP specifies a hearing aid, the school district is responsible for providing it at no cost to the student and his/her parents.

8. Is a school district obligated to allow a student to bring an assistive technology device home?

Answer: Under some circumstances. An assistive technology device may be taken home at night, on weekends, or over the summer if the use in other settings is included in the IEP. A decision as to whether a student may use a device or service in settings other than the school, e.g., home, community, must be made on an individual basis. Furthermore, a school district may need to provide a second device for use at home if transporting the device is impractical.

9. Is a school district responsible for retaining, repairing or replacing assistive technology devices?

Answer: If purchased or secured by the school district, then the school district should retain, repair, or replace assistive technology devices. It is suggested that the special education administrator or his/her designee examine all warranties and contracts that may accompany specific devices. Additionally, if the student's family has provided an assistive technology device that the TEAM has identified as necessary for the provision of a free appropriate education and has included in the IEP, then the school district, with the agreement of the family, may use the device at school and is responsible to repair or replace the device if necessary. (See also question #11.)

10. What is the responsibility of a school district if a given device is no longer available for purposes of implementing a student's IEP?

Answer: A school district is responsible for either continuing to implement the student's IEP by providing a substitute device, or for reconvening the TEAM for the purpose of reviewing the student's IEP, and if appropriate, amending its provisions.

11. What is the responsibility of a school district when parents elect to purchase a needed device on their own and the family-owned device is written into the IEP?

Answer: Federal law is silent on this issue. However, it is reasonable to expect a school district to assume liability for an assistive technology device that is family-owned, but used to implement a student's IEP, either in school or at home. In the absence of the family assuming financial responsibility, a school district would be required to provide and maintain a needed assistive device that was written into the IEP. (See also question #9.) In circumstances where the family has provided the original device, the Department recommends that school districts clarify in their agreements with the family whether the family retains ownership of the device in the case of replacement.

12. If a TEAM recommends an assistive technology assessment and the assessment takes place after the TEAM meeting, what is the responsibility of the school district?

Answer: The school district must reconvene the TEAM to discuss assessment results. Depending on the TEAM decision, a new IEP or an amendment to the IEP may need to be developed.

13. Under Section 504 of the federal Rehabilitation Act of 1973, is a school district required to provide assistive technology devices?

Answer: Independent of special education law and regulation, Section 504 applies to students who have a physical or mental impairment that substantially limits a major life activity such as caring for oneself

or performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working. Depending upon the student's individual needs, and if the student is "an individual with handicaps," a school district may be required to provide adaptive equipment or assistive technology devices.

ASSISTIVE TECHNOLOGY IN THE INDIVIDUALIZED EDUCATIONAL PLAN

The Department of Education provides the following information for assessing the needs for assistive technology and inclusion in the Individualized Educational Plan (IEP) consistent with federal law:

1. When developing an IEP, personnel assessing the student should include a review of the need for assistive technology devices and services as part of the student's special education, related services, and/or supplementary aids and services. The range of recommendations can be very broad and can include both low tech solutions and/or the use of more complex forms of technology. For example, a student with a fine motor difficulty may need a larger than standard pencil or may need to use a computer keyboard. A student who is unable to speak may need a communication board or a more complex augmentative communication device.

2. Recommendations for assistive technology devices and/or services can be made by any TEAM member. TEAM members must determine whether an assistive technology device and/or service is needed in order for the student with special needs to receive a free and appropriate public education. When assistive technology is being considered, it is necessary that TEAM members are knowledgeable and this may require including specific professional(s).

3. A determination as to whether an assistive technology device or service is required in order for a student to receive a free appropriate public education must be made on an individual basis. The TEAM must explore what assistive technology may be necessary to enable the student to successfully participate in his/her educational program. The school district is not obligated to provide state of the art technology if the student's needs do not require it or if the student is unable to utilize it.

4. If the TEAM determines the need for assistive technology, a student's IEP should include information pertaining to the assistive technology device(s) and service(s) that are recommended along with the special education services, supplementary aids and services, or related services to be provided in connection with the device(s) and service(s). The Student Instructional Profile section on the new IEP form has been designed for the purpose of including assistive technology information identified by the TEAM. In addition, if a student needs assistive technology devices and/or services to carry out a goal, this information can be included as part of the goal statement. If necessary, a statement regarding the need for more specialized assessments could be included with a date for reconvening the TEAM.

5. If a TEAM recommends that an assistive technology device is required for home use in order to provide a student with a free appropriate public education, the school district must provide the needed device(s) and allow the student to take it/them home.

6. School districts may seek funding internally within their own school budgets as well as seek support from other sources. The provision of assistive technology devices and services as determined necessary by the TEAM must not be delayed by efforts to obtain outside funding and/or donations.

7. If parents agree to use their insurance coverage to pay for the cost of an assessment and/or to obtain assistive technology devices and services, schools may use a family's coverage to pay the cost(s). If parents utilize their insurance coverage, then the parents must not be responsible for paying their insurance deductible and must not be compelled to have home owners insurance to cover the assistive device(s).

SUMMARY OF REGULATORY REQUIREMENTS

Assistive technology provides creative solutions that enable individuals with disabilities to be more independent, productive, and integrated into the mainstream of society and community life. The benefits of assistive technology were first recognized by Congress in 1988 when it passed the Technology-Related Assistance for Individuals with Disabilities Act (PL 100-407), as amended in 1994 (also known as the Tech Act). Congress reiterated its intent to enable students with disabilities to be integrated into society through technology by incorporating the Tech Act definition of assistive technology into Parts B and H of the Individuals with Disabilities Education Act (IDEA) (PL 102-119). Therefore, any student eligible for Part B services is, by definition, eligible to receive assistive technology.

PART B Regulations 34 CFR 300.5 and 300.6 distinguish between assistive technology devices and assistive technology services, and define them as follows:

[[section]]300.5 Assistive technology device means any item, piece of equipment, or product system whether acquired commercially off the shelf, modified, or customized that is used to increase, maintain, or improve the functional capabilities of children with disabilities.

[[section]]300.6 Assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes - -

(a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(b) Purchasing, leasing or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

(c) Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing assistive technology devices;

(d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(e) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

(f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, or are otherwise substantially involved in the major life functions of children with disabilities.

Regulation [[section]]300.308 provides further clarification of a school district's obligations with respect to assistive technology, and reads as follows:

[[section]]300.308 Assistive Technology

Each public agency shall ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in [[section]]300.5-300.6, are made available to a child with a disability if required as part of the child's--

(a) Special education under [[section]]300.17;

(b) Related services under [[section]]300.16; or

(c) Supplementary aids and services under [[section]]300.550(b)(2).

INFORMATION RESOURCES

For inquiries related to this technical assistance advisory, contact:

Instruction and Curriculum Services
Massachusetts Department of Education
350 Main Street
Malden, MA 02148-5023
617-388-3300, Ext. 200
TTY: N.E.T. Relay 1-800-439-2370

For information about assistive technology devices and services and referrals to funding resources, contact:

Massachusetts Assistive Technology Partnership Center
1295 Boylston St., Suite 310
Boston, MA 02215
1-800-848-8867 (voice and TTY)

APPENDIX

Potential Funding Sources for Assistive Technology:

Massachusetts Department of Public Health (617-727-2700)

Case Management Services (617- 727-1115)
Provides technical assistance and guidance in accessing services from public and private agencies.

Hearing Aid Program for Children (1-800-882-1435/voice; 617-727-7218/TTY)
Provides financial assistance for hearing aids for children through age 21.

Division of Medical Assistance (617-348-5500)

Children and families may be eligible through Social Security Income and may qualify for assistive technology through the following programs:

CommonHealth (1-800-662-9996 to request application)
Provides Medicaid services, including assistive technology devices and services, on a sliding scale to children who meet a certain standard of disability.

Early and Periodic Screening, Diagnosis, and Treatment (617-348-5500)
Provides prevention services for any Medicaid-eligible child. Provides coverage of comprehensive health, vision, hearing, and dental screenings, as well as immunizations, laboratory tests, and assistive technology devices and services in screenings, diagnosis and treatment. The purpose of this program is to assess health needs and assure that health problems are diagnosed and treated early, before they become more complex and their treatment more costly.

Massachusetts Commission for the Blind (617-727-5550)
Provides financial and technical assistance for children who are blind, legally blind, deaf-blind, and blind-multidisabled. The following programs are available for children who are blind:

Children's Social Services (617-727-4202 or 800-392-6450)
Can provide case management and technical assistance for children who are blind, legally blind, deaf-blind, and blind-multidisabled.

Medical Assistance (617-727-4116 or 800-392-6450)
Can determine Medicaid eligibility of and coverage for children who are blind, legally blind, deaf-blind, and blind-multidisabled.

Massachusetts Rehabilitation Commission (617- 727-2183)
Provides vocational rehabilitation funding or services for adolescents when transition services are being considered for the student no earlier than age 14.

Additionally, there are a number of private sources of funding to support individual children and programs. These include service clubs, computer software company grants, and charitable organizations and foundations.